

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

**ORIGINAL**

Irwin Nayman

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-against-

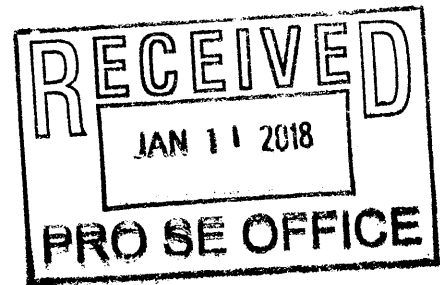
Starbucks Corporation

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

AMENDED  
Complaint for a Civil Case

Case No. 1:17-cv-05816-PKC-LB  
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No  
(check one)



**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Irwin Nayman</u>
Street Address	<u>1351 E. 86<sup>th</sup> St., #1</u>
City and County	<u>Brooklyn</u>
State and Zip Code	<u>New York 11236</u>
Telephone Number	<u>646-752-1624</u>
E-mail Address	<u>Tedshan622@yahoo.com</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>Starbucks Corporation</u>
Job or Title (if known)	<u>Corporation Service Comp</u>
Street Address	<u>300 Deschutes Way SW / Suite 304</u>
City and County	<u>Tumwater</u>
State and Zip Code	<u>Washington 98501</u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

Name	<u></u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

Defendant No. 3

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

Defendant No. 4

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City and County \_\_\_\_\_  
State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Intentional Infliction of  
Emotional Distress

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of \_\_\_\_\_  
the State of (name) \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Starbucks Corp., is incorporated under the laws of the State of (name) New York, and has its principal place of business in the State of (name) Washington. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On April 13, 2017, while visiting Seattle, I patronized Starbucks on 102 Pike Street (1st and Pike). After I made my purchase, I was sitting at a table, when a Starbucks employee

demanded that I leave. He was loud, aggressive and bullying. I asked him why he was ordering me from the store, but he would not tell me; he continued to demand that I leave.

I asked the other employees why he wanted me out of the store. Some claimed not to know, but others echoed the employee's demand.

The following day, I contacted store manager Heather Forsang. She claimed that location has issues with violent people, and her employee mistook me for one who had been to the store. I did not witness any patron behaving in an unusual manner.

The incident caused me emotional distress and humiliation. The other patrons witnessed the incident. In addition, Starbucks singled me out and discriminated against me by ordering me from the store.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

\$25,000.00. The Starbucks employees treated me in the manner described previously without cause and without consideration of the effects of that behavior on me. I continue to experience the emotional distress.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11 Jan, 2018.

Signature of Plaintiff

Printed Name of Plaintiff

Irwin Noyman  
Irwin Noyman

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

**ORIGINAL**

Irwin Nayman

Plaintiff,

Affirmation of Service

-against-

Starbucks

Defendant.

1:17 CV 05816 (PKC)(LB)

X

I, Irwin Nayman, declare under penalty of perjury that I have  
served a copy of the attached amended complaint  
upon George N. Tompkins, III  
whose address is: Wilson Elser Moskowitz Edelman +  
Dicker LLP, 150 E. 42<sup>nd</sup> St., NY, NY 10017

Dated: January 11, 2018  
Brooklyn, New York

Irwin Nayman

Signature

1351 E. 86<sup>th</sup> St., #1

Address

Brooklyn, NY 11236

City, State, Zip Code

